

## **POTENTIAL ELEMENTS OF A PROPOSAL TO REVISE LAFCO'S DRAFT AGRICULTURAL MITIGATION POLICIES**

### **For Discussion at January 2007 Agricultural Mitigation Policies Subcommittee Meeting**

#### **TIMING AND FULFILLMENT OF MITIGATION**

1. LAFCO prefers that agricultural mitigation be in place at the time of LAFCO approval or as soon as possible after LAFCO approval. The mitigation (as detailed in the Plan for Mitigation) must be fulfilled no later than at the time of city's approval of the tentative map, or issuance of the grading permit or building permit, whichever occurs first.
2. Through the adoption of an ordinance/resolution, the city will assure LAFCO that the city will enforce the mitigation requirements no later than at the time of city's approval of the tentative map, or issuance of the grading permit or building permit, whichever occurs first. The City will adopt procedures for ensuring that the mitigation is fulfilled at the appropriate time.
3. City will provide LAFCO with a report on the status of mitigation fulfillment every year following LAFCO approval of the proposal until the agricultural mitigation requirements are fulfilled.

#### **PLAN FOR MITIGATION**

A Plan for Agricultural Mitigation that is consistent with LAFCO's Policies must be submitted at the time that a proposal impacting agricultural lands is filed with LAFCO. The Plan for Mitigation shall include all of the following:

1. An agreement between the property owner, city and agricultural conservation entity (if such an entity is involved) that commits the property owner(s) to provide the mitigation for the loss of prime agricultural lands and establishes the specifics of the mitigation in a manner consistent with these Policies. The agreement will specify:
  - a. The type of mitigation that will be provided in order to mitigate for conversion of agricultural lands. (purchase of fee title or easement or payment of in-lieu fees)
  - b. The agricultural conservation entity that will be involved in holding the lands, easements, or in-lieu fees.
  - c. The acreage that would be preserved through mitigation and /or the methodology to be adopted for calculating the in-lieu fees.
  - d. The location of the mitigation lands, where possible.
  - e. Information on the specific measures adopted by the city as encouraged in Policy #11 (mitigation for impacts to adjacent agricultural lands)
  - f. The time-frame within which the mitigation will be fulfilled, which must be no later than at the time of city's approval of the tentative map, or issuance of the grading permit or building permit, whichever occurs first.

2. An ordinance/ resolution adopted by the City Council to establish a process to enforce the mitigation measures and confirming that the city will enforce the mitigation measures as specified in the agreement.
3. The agricultural conservation entity will report annually to LAFCO on the use of the in-lieu fees until the fees have been fully expended.
4. The mitigation agreement is to be contingent on LAFCO approval of the proposal.
5. Upon LAFCO approval of the proposal, the agreement will be recorded with the County Recorder's office against the property to be developed.
6. Applicant should provide all other supporting documents and information to demonstrate compliance with these Policies.